



LATHOS INDUSTRIES L.L.C.

5/027/079

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SEP 05 2003

DIV OF OIL GAS & MINING

Mr. Rex Rowley,
Field Office Manager
Bureau of Land Management
Fillmore Field Office
35 East 500 North
Fillmore, Utah 84631

Certified Mail 7000 1670 0005 9166 7452

Dear Mr. Rowley,

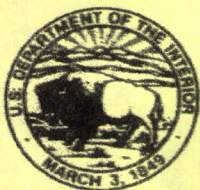
I am responding to your letter to Mr. Pappas, dated August 1, 2003, a copy of which is attached.

1. I called Ms. Sheri Wyson at 2:40 P.M. on August 12, 2003 and gave her our taxpayer ID., namely 65-1190539.
2. You state that our recent submission of our plan of operation is complete, and the 30 day comment period would end August 30, 2003.
3. You state in your letter that all information in 43 CFR 3808.401 must be complete.

However, there is no 3808.401. It would seem to me that you are referring to 3809.401, a copy of which is attached and we are in strict compliance now of all the indices of this section.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Gatto', is written over the word 'Sincerely,'. Below the signature, the name 'Jerry Gatto' is printed in a black, sans-serif font.



United States Department of the Interior

BUREAU OF LAND MANAGEMENT
FILLMORE FIELD OFFICE
35 East 500 North
Fillmore, UT 84631



In Reply Refer to:
3800
(U-010)
UTU-078275

August 1, 2003

CERTIFIED MAIL #7002 3150 0004 1702 0419
RETURN RECEIPT REQUESTED

WILLIAM PAPPAS
MEMBER/MANAGER
CAMBRILLIC NATURAL STONE
230 E BROADWAY SUITE 1205
SLC UT 84111

Dear Mr. Pappas:

We have received the most recent submission of your Plan of Operation (Plan) for the Spectrum Quarry, and consider it complete enough to begin the 30 day comment period, and to begin evaluating the impacts of the operation. The comment period will conclude on August 30, 2003. However, contrary to the statement in the July 26, 2003 cover letter for the Plan: "You are in possession of our taxpayer ID number", we can find nowhere in the file where that information has been submitted to us. Approval of the Plan will be withheld until all the information required in 43 CFR 3808.401 has been submitted.

If you have any questions, please feel free to contact Sheri Wysong at (435) 743-3124.

Sincerely,

Rex Rowley
Field Office Manager

cc: Tom Munson, UDOGM (S/027/079) Copy of Plan enclosed

§ 3809.333 May I extend my notice, if so, how?

Yes, if you wish to conduct operations for 2 additional years after the expiration date of your notice, you must notify BLM in writing on or before the expiration date and meet the financial guarantee requirements of § 3809.503. You may extend your notice more than once.

§ 3809.334 What if I temporarily stop conducting operations under a notice?

(a) If you stop conducting operations for any period of time, you must --

- (1) Maintain public lands within the project area, including structures, in a safe and clean condition;
- (2) Take all steps necessary to prevent unnecessary or undue degradation; and
- (3) Maintain an adequate financial guarantee.

(b) If the period of non-operation is likely to cause unnecessary or undue degradation, BLM, in writing, will --

- (1) Require you to take all steps necessary to prevent unnecessary or undue degradation; and
- (2) Require you, after an extended period of non-operation for other than seasonal operations, to remove all structures, equipment, and other facilities and reclaim the project area.

§ 3809.335 What happens when my notice expires?

(a) When your notice expires, you must --

- (1) Cease operations, except reclamation; and
- (2) Complete reclamation promptly according to your notice.

(b) Your reclamation obligations continue beyond the expiration or any termination of your notice until you satisfy them.

§ 3809.336 What if I abandon my notice-level operations?

(a) BLM may consider your operations to be abandoned if, for example, you leave inoperable or non-mining related equipment in the project area, remove equipment and facilities from the project area other than for purposes of completing reclamation according to your reclamation plan, do not maintain the project area, discharge local workers, or there is no sign of activity in the project area over time.

(b) If BLM determines that you abandoned your operations without completing reclamation, BLM may initiate forfeiture under § 3809.595. If the amount of the financial guarantee is inadequate to cover the cost of reclamation, BLM may complete the reclamation, and the operator and all other responsible persons are liable for the cost of reclamation.

Operations Conducted Under Plans of Operations

§ 3809.400 Does this subpart apply to my existing or pending plan of operations?

(a) You may continue to operate under the terms and conditions of a plan of operations that BLM approved before January 20, 2001. All provisions of this subpart except plan content (§ 3809.401) and performance standards (§§ 3809.415 and 3809.420) apply to such plan of operations. See § 3809.505 for the applicability of financial guarantee requirements.

(b) If your unapproved plan of operations is pending on January 20, 2001, then the plan content requirements and performance standards that were in effect immediately before that date apply to your pending plan of operations. (See 43 CFR parts 1000-end, revised as of Oct. 1, 1999.) All other provisions of this subpart apply.

(c) If you want this subpart to apply to any existing or pending plan of operations, where not otherwise required, you may choose to have this subpart apply.

§ 3809.401 Where do I file my plan of operations and what information must I include with it?

(a) If you are required to file a plan of operations under § 3809.11, you must file it with the local BLM field office with jurisdiction over the lands involved. BLM does not require that the plan be on a particular form. Your plan of operations must demonstrate that the proposed operations would not result in unnecessary or undue degradation of public lands.

(b) Your plan of operations must contain the following information and describe the proposed operations at a level of detail sufficient for BLM to determine that the plan of operations prevents unnecessary or undue degradation:

(1) *Operator Information.* The name, mailing address, phone number, taxpayer identification number of the operator(s), and the BLM serial number(s) of any unpatented mining claim(s) where disturbance would occur. If the operator is a corporation, you must identify one individual as the point of contact. You must notify BLM in writing within 30 calendar days of any change of operator or corporate point of contact or in the mailing address of the operator or corporate point of contact;

(2) *Description of Operations.* A description of the equipment, devices, or practices you propose to use during operations including, where applicable --

(i) Maps of the project area at an appropriate scale showing the location of exploration activities, drill sites, mining activities, processing facilities, waste rock and tailing disposal areas, support facilities, structures, buildings, and access routes;

(ii) Preliminary or conceptual designs, cross sections, and operating plans for mining areas, processing facilities, and waste rock and tailing disposal facilities;

(iii) Water management plans;

(iv) Rock characterization and handling plans;

(v) Quality assurance plans;

(vi) Spill contingency plans;

(vii) A general schedule of operations from start through closure; and

(viii) Plans for all access roads, water supply pipelines, and power or utility services;

(3) *Reclamation Plan.* A plan for reclamation to meet the standards in § 3809.420, with a description of the equipment, devices, or practices you propose to use including, where applicable, plans for --

(i) Drill-hole plugging;

(ii) Regrading and reshaping;

(iii) Mine reclamation, including information on the feasibility of pit backfilling that details economic, environmental, and safety factors;

(iv) Riparian mitigation;

(v) Wildlife habitat rehabilitation;

(vi) Topsoil handling;

(vii) Revegetation;

(viii) Isolation and control of acid-forming, toxic, or deleterious materials;

(ix) Removal or stabilization of buildings, structures and support facilities; and

(x) Post-closure management;

(4) *Monitoring Plan.* A proposed plan for monitoring the effect of your operations. You must design monitoring plans to meet the following objectives: To demonstrate compliance with the approved plan of operations and other Federal or State environmental laws and regulations, to provide early detection of potential problems, and to supply information that will assist in directing corrective actions should they become necessary. Where applicable, you must include in monitoring plans details on

type and location of monitoring devices, monitoring parameters and frequency, analytical methods, reporting procedures, and procedures to respond to adverse monitoring results. Monitoring plans may incorporate existing State or other Federal monitoring requirements to avoid duplication. Examples of monitoring programs which may be necessary include surface- and ground-water quality and quantity, air quality, revegetation, stability, noise levels, and wildlife mortality; and

(5) *Interim management plan.* A plan to manage the project area during periods of temporary closure (including periods of seasonal closure) to prevent unnecessary or undue degradation. The interim management plan must include, where applicable, the following:

- (i) Measures to stabilize excavations and workings;
- (ii) Measures to isolate or control toxic or deleterious materials (See also the requirements in § 3809.420(c)(12)(vii).);
- (iii) Provisions for the storage or removal of equipment, supplies and structures;
- (iv) Measures to maintain the project area in a safe and clean condition;
- (v) Plans for monitoring site conditions during periods of non-operation; and
- (vi) A schedule of anticipated periods of temporary closure during which you would implement the interim management plan, including provisions for notifying BLM of unplanned or extended temporary closures.

(c) In addition to the requirements of paragraph (b) of this section, BLM may require you to supply --

(1) Operational and baseline environmental information for BLM to analyze potential environmental impacts as required by the National Environmental Policy Act and to determine if your plan of operations will prevent unnecessary or undue degradation. This could include information on public and non-public lands needed to characterize the geology, paleontological resources, cave resources, hydrology, soils, vegetation, wildlife, air quality, cultural resources, and socioeconomic conditions in and around the project area, as well as information that may require you to conduct static and kinetic testing to characterize the potential for your operations to produce acid drainage or other leachate. BLM is available to advise you on the exact type of information and level of detail needed to meet these requirements; and

(2) Other information, if necessary to ensure that your operations will comply with this subpart.

(d) *Reclamation cost estimate.* At a time specified by BLM, you must submit an estimate of the cost to fully reclaim your operations as required by § 3809.552. BLM will review your reclamation cost estimate and notify you of any deficiencies or additional information that must be submitted in order to determine a final reclamation cost. BLM will notify you when we have determined the final amount for which you must provide financial assurance.

[65 FR 70112, Nov. 21, 2000, as amended at 66 FR 54860, Oct. 30, 2001]

~~§ 3809.411 What action will BLM take when it receives my plan of operations?~~

~~(a) BLM will review your plan of operations within 30 calendar days and will notify you that --~~

~~(1) Your plan of operations is complete, that is, it meets the content requirements of § 3809.401(b);~~

~~(2) Your plan does not contain a complete description of the proposed operations under § 3809.401(b). BLM will identify deficiencies that you must address before BLM can continue processing your plan of operations. If necessary, BLM may repeat this process until your plan of operations is complete; or~~

~~(3) The description of the proposed operations is complete, but BLM cannot approve the plan until certain additional steps are completed, including one or more of the following:~~

~~(i) You collect adequate baseline data;~~

~~(ii) BLM completes the environmental review required under the National Environmental Policy Act;~~

~~(iii) BLM completes any consultation required under the National Historic Preservation Act, the Endangered Species Act, or the Magnuson-Stevens Fishery Conservation and Management Act;~~